



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Setti D. Warren
Mayor

Public Hearing Date: February 9, 2010
Land Use Action Date: April 20, 2010
Board of Aldermen Action Date: May 3, 2010
90-Day Expiration: May 10, 2010

DATE: February 5, 2010

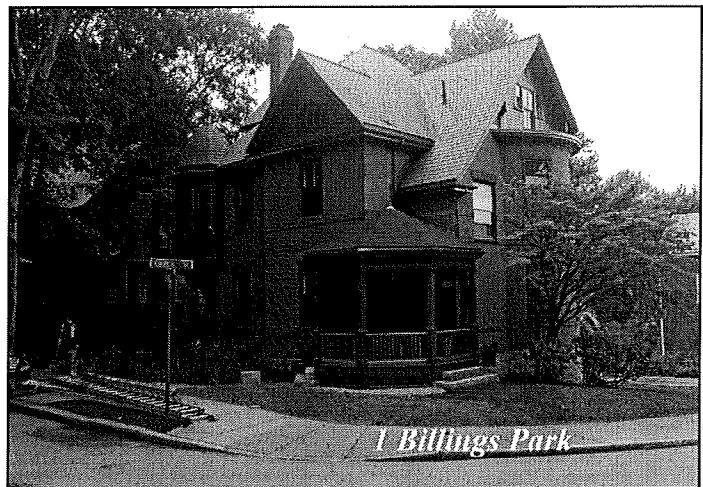
TO: Board of Aldermen

FROM: Candace Havens, Acting Director of Planning and Development
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #15-10, STEVEN E. & MERLE WINER** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage to an existing single-family residence at **1 BILLINGS PARK**, Ward 7, NEWTON, on land known as Sec 72, Blk 8, Lot 21, containing approx 8,496 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioners are proposing to construct a new two-car attached garage to the north side of an existing single-family residence. The existing residence is located on an 8,496 sq. ft. lot on the southwest corner of Billings Park and Church Street. The lot is currently improved with a Queen Anne Victorian-style brick house circa 1890, which is listed on the National Register of Historic Places as part of the National Register District. The existing residence is legally nonconforming with respect to Floor Area Ratio (FAR) and the proposed garage addition will increase this nonconformity. Currently there is no garage on-site and parking occurs on an existing asphalt and gravel drive with access from Church Street. Although the proposed addition will increase the existing nonconforming FAR, the garage has been designed to balance the mass and scale of the house as viewed from the street, is in keeping with the architecture of the existing house, and will help meet the housing needs today's families require.



North elevation, Church Street façade, showing proposed garage

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the southwest corner of Billings Park and Church Street, in a National Register District. It is located within a Single Residence 2 District

where older single-family residences on moderately-sized lots characterize the neighborhood. There are some condominium and two-family residences in the surrounding neighborhood and Grace Episcopal Church is approximately 100 meters west. The majority of residences were built between 1880 and 1920, and most of the lots are between 7,000 and 10,000 sq. ft. Billings Park consists of seven brick Queen Anne-style houses where the use of brick and stone masonry with ornate Queen Anne period wood detailing provides a unifying theme throughout the development. Although there are some houses in the neighborhood without garages the majority of houses have either an attached or detached garage.

B. Site

The 8,496 sq. ft. site is a corner lot currently improved with a Queen Anne Victorian-style brick residence circa 1890. The existing single-family residence faces Billings Park and the lot slopes down from the front of the house (east) to the rear of the house (west) such that the approach from the west along Church Street gives the appearance of a 3½- to 4-story house. Currently there is no garage on-site and parking occurs on an existing asphalt and gravel drive with access from Church Street.

III. PROJECT DESCRIPTION AND ANALYSIS

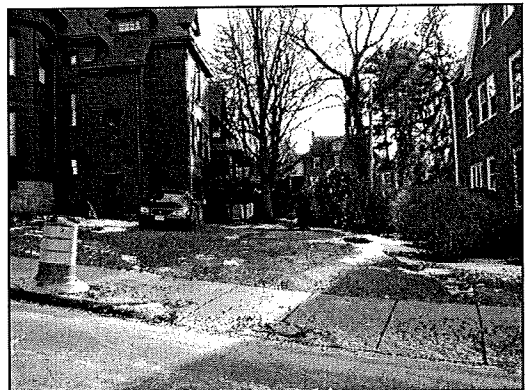
A. Land Use

No changes to the use of the single-family residence are proposed. The petitioner is proposing to add an attached two-car garage with access from Church Street.

B. Building and Site Design

The existing house is a brick, Queen Anne-style residence circa 1890 with a pitched roof. The petitioners propose to cut a door into the basement story exterior wall of the north elevation in order to provide direct access to a proposed garage. The proposed garage is approximately 555 sq. ft for two cars and is 17.2 ft. in height (one-story). The proposed garage is clapboard with wood garage doors and a faux slate roof. Building materials and architectural detailing including corner boards, moulding and roof pitch are in keeping with the historic residence.

The proposed new garage meets all setback requirements. Access to the garage will be from Church Street via a new 12 ft.-wide curb cut and the existing curb cut will be closed. The petitioners are proposing a pervious concrete turn-around area, which will prevent the necessity of backing out onto Church



Street, which has a significant slope.

The house with proposed garage addition would increase in FAR from .36 to .43 where .3 is allowed. However, the proposed new garage is in keeping with the historic residence and will remove parked cars from view. The proposed residence with addition will still be in keeping with the size and scale of other residences in the immediate neighborhood (*SEE ATTACHMENT "A"*).

C. Parking and Circulation

The petitioners will be closing one curb cut in favor on a new curb cut just east of the existing. The proposed new curb cut is 12 ft. in width and the new driveway will have a pervious concrete turn out area so that cars will not have to back out onto Church Street. Although the proposed driveway will be in close proximity to the driveway across the street, the low impact nature of the single-family uses should not pose any hazard to vehicles or pedestrians.

D. Landscape Screening

The petitioners did not submit a landscape plan for the proposed new garage and none was required. An existing birch tree will be maintained. The Planning Department notes that there does not appear to be much existing landscape screening between the proposed new garage and the adjacent residence to the west and suggests the petitioner consider adding some screening along the western lot line to soften the appearance of the new garage.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated January 11, 2010 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The existing house is a lawfully nonconforming structure with regard to lot size and FAR. A special permit is required to increase the already nonconforming FAR from .36 to .43 where .3 is allowed. The proposed garage respects all setback requirements, the proposed height of the garage is conforming, and lot coverage and open space will remain compliant.
- B. Newton Historical Commission Demolition Review. The Commission approved the partial demolition of an exterior wall in order to provide direct access to the proposed garage and reviewed and approved the proposed elevations at its December 8, 2009 meeting (*SEE ATTACHMENT "C"*).
- C. Engineering Division Review. The net increase to impervious area is 393 sq. ft. (< 400 sq. ft.) and no drainage improvements are required. As the site does slope towards the abutters property, the Associate City Engineer suggests the petitioner install rain barrels to capture the net increase from roof gutters and reuse the

collected water for gardening purposes (*SEE ATTACHMENT "D"*).

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-21(a)(2)(b) and 30-21(b), for an expansion of a nonconforming structure with respect to FAR;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS

ATTACHMENT A: NEIGHBORHOOD COMPARISON CHART

ATTACHMENT B: ZONING REVIEW MEMORANDUM DATED JANUARY 11, 2010

*ATTACHMENT C: NEWTON HISTORICAL COMMISSION DEMOLITION REVIEW DECISION DATED
DECEMBER 9, 2009*

ATTACHMENT D: ENGINEERING DIVISION MEMORANDUM DATED JANUARY 20, 2010

ATTACHMENT E: ZONING MAP

ATTACHMENT F: LAND USE MAP


Neighborhood Comparison Chart (Prepared by Planning Department based on information obtained from the Assessor's Database)

<u>Address</u>	<u>Approx. Yr. Built</u>	<u>Lot Size</u>	<u># Units</u>	<u>Lot Area Per Unit</u>	<u>Approx. Sq. Ft.</u>	<u>Approx. FAR</u>	<u>Material</u>	<u>Style</u>	<u>Garage</u>	<u>Approx. Sq. Ft.</u>
1 Billings Park	1890	8,496	1	8,496	3,088	(0.36)	Brick	Victorian	None	NA
6 Billings Park	1927	7,437	1	7,437	3,395	(0.46)	Brick	Victorian	None	NA
9 Billings Park	1880	9,374	1	9,374	3,649	(0.39)	Brick	Victorian	Attached	400
12 Billings Park	1890	9,865	1	9,865	3,708	(0.38)	Brick	Victorian	Detached	360
24 Billings Park	1922	9,195	1	9,195	3,433	(0.37)	Brick	Tudor	Detached	210
28 Billings Park	1924	10,118	1	10,118	2,626	(0.26)	Clapboard	Colonial	Attached	361
36 Billings Park	1880	11,080	1	11,080	3,293	(0.30)	Brick	Victorian	None	441
39 Billings Park	1910	7,022	1	7,022	1,796	(0.26)	Brick	Old Style	None	NA
44 Billings Park	1890	9,054	1	9,054	3,008	(0.33)	Brick	Victorian	Detached	354
48 Billings Park	1890	8,289	1	8,289	3,758	(0.45)	Brick	Victorian	Attached	555
82 Church St	1894	6,966	1	6,966	NA	NA		Victorian	Attached	
Average		8,993		8,993	3,175	(0.36)				
1 Billings Park Proposed		8,496	1	8,496	3,642	0.43				

Zoning Review Memorandum

Dt: January 11, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner, acting Director of Planning and Development 

Cc: Steven and Merle Winer, applicants
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

Applicant: Steven and Merle Winer

Site: 1 Billings Park	SBL: Section 72, Block 8, Lot 21
Zoning: SR-2	Lot Area: 8,496 square feet
Current use: Single-family residence	Proposed use: Single-family residence

Background:

The subject property consists of an 8,496 square foot lot currently improved with a single-family residence. The applicants are proposing to add an attached garage to the north side of the existing structure. The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- "Plan of Land in Newton, MA , 1 Billings Park, Proposed Garage," dated November 24, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
- "Plan of Land in Newton, MA , to Accompany the Petition of Steven E. Winer, 1 Billings Park, Newton, MA 02458," dated November 24, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
- Note regarding FAR calculations, dated November 11, 2009, signed and stamped by Alan J. Mayer, Registered Architect
- Architectural Plans for "Winer Garage, One Billings Park, Newton, MA" as follows all signed and stamped by Alan J. Mayer, Registered Architect and dated November 4, 2009
 - "A1, Site Plan"
 - "A2, Garage Plan"
 - "A3, Roof Plan"
 - "A4 Exterior Elevations South"
 - "A5, Exterior Elevations West"
 - "A6, Exterior Elevations North & East"

Administrative determinations:

1. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to add an attached garage to the existing house.

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 sq. ft.	8,796 sq. ft.	No change
Frontage	80 feet	100 feet (from the Assessor's Database)	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	21.25 feet ¹ 7.5 feet 15 feet	Approx. 11 feet from Billings Park and approx. 24 feet from Church Street ² 31 feet Information not provided by the applicant	22.3 feet from Church Street 15.1 feet No change
FAR	.3	.36	.43
Building Height	30 feet	Information not provided by the applicant	No change
Maximum Stories	2.5	Information not provided by the applicant	No change
Max. Lot Coverage	30%	19.8%	26.4%
Min. Open Space	50%	68%	62%

¹The front setback requirement in the SR-2 zone for a pre-1953 lot is 25 feet. However, Section 30-15(d) allows the front setback to be set by "the average of the setbacks of the buildings on the lots nearest thereto on either side." Using this formula, the front setback for the subject lot is 21.25 feet.

²These figures were scaled from the plans submitted and were not provided by the applicant.

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).
3. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance	Site	Action Required
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

ATTACHMENT C

David B. Cohen
Mayor

E-mail
mkruse@newtonma.gov

Newton Historical Commission Demolition Review Decision

Date: 12/8/09 Zoning & Dev. Review Project# 09110023

Address of structure: 1 Billings Park

Type of building: House

If partial demolition, feature to be demolished is Faced

The building or structure:

is ☒ is not ☐ in a National Register or local historic district not visible from a public way.
is ☒ is not ☐ on the National Register or eligible for listing.
is ☒ is not ☐ importantly associated with historic person(s), events, or architectural or social history
is ☒ is not ☐ historically or architecturally important for period, style, architect, builder, or context.
is ☐ is not ☒ located within 150 feet of a historic district and contextually similar.

is ☐ **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is ☒ **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

☒ **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

<u>See approval plans.</u>

☐ **DOES NOT APPROVE** and the project requires Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is ☐ **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is ☐ **PREFERABLY PRESERVED - (SEE BELOW).**

One year delay of Demolition:

☐ is in effect until _____

☐ has been waived - see attached for conditions

Determination made by:

Brian Lever

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 1 Billings Park

Date: January 20, 2010

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Acting Director of Planning (via email)
Linda Finucane, Associate City Clerk (via email)
Benjamin Solomon Schwartz (via email)

In reference to the above site, I have the following comments for a plan entitled:

*1 Billings Park
Proposed Garage
Plan of Land in
Newton, MA*

*Prepared by: Everett Brooks Company
Dated: November 24, 2009*

Proposed Conditions:

1. Based upon a site visit today the electric service connection that is shown on the proposed site plan has been moved towards the property line towards the (northeast) and will not traverse directly over the proposed garage as indicated.
2. According to engineer of record the net increase of impervious area is (393 sq. ft.) less than 400 square feet, and in accordance to the Engineering Divisions policy no drainage improvements are required. However the Committee should be aware that the site does slope towards the abutter's property, and it may be prudent to install rain barrels to capture the net increase from roof gutters and re-use the collected water for gardening purposes.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property including foundation excavations. *This note shall be incorporated onto the plans*
2. The applicant will have to apply for a Sidewalk Crossing permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
3. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
4. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
5. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Zoning Map

1 Billings Pk.

Legend

- 1 Billings Pk.
- Contour Lines
- Contour Lines
- Two Foot Contour
- Index (10 Foot) Contour
- Depression Contour
- Depression - Index Contour
- Bridge Abutment
- Culvert
- Wall
- Building Outlines
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use

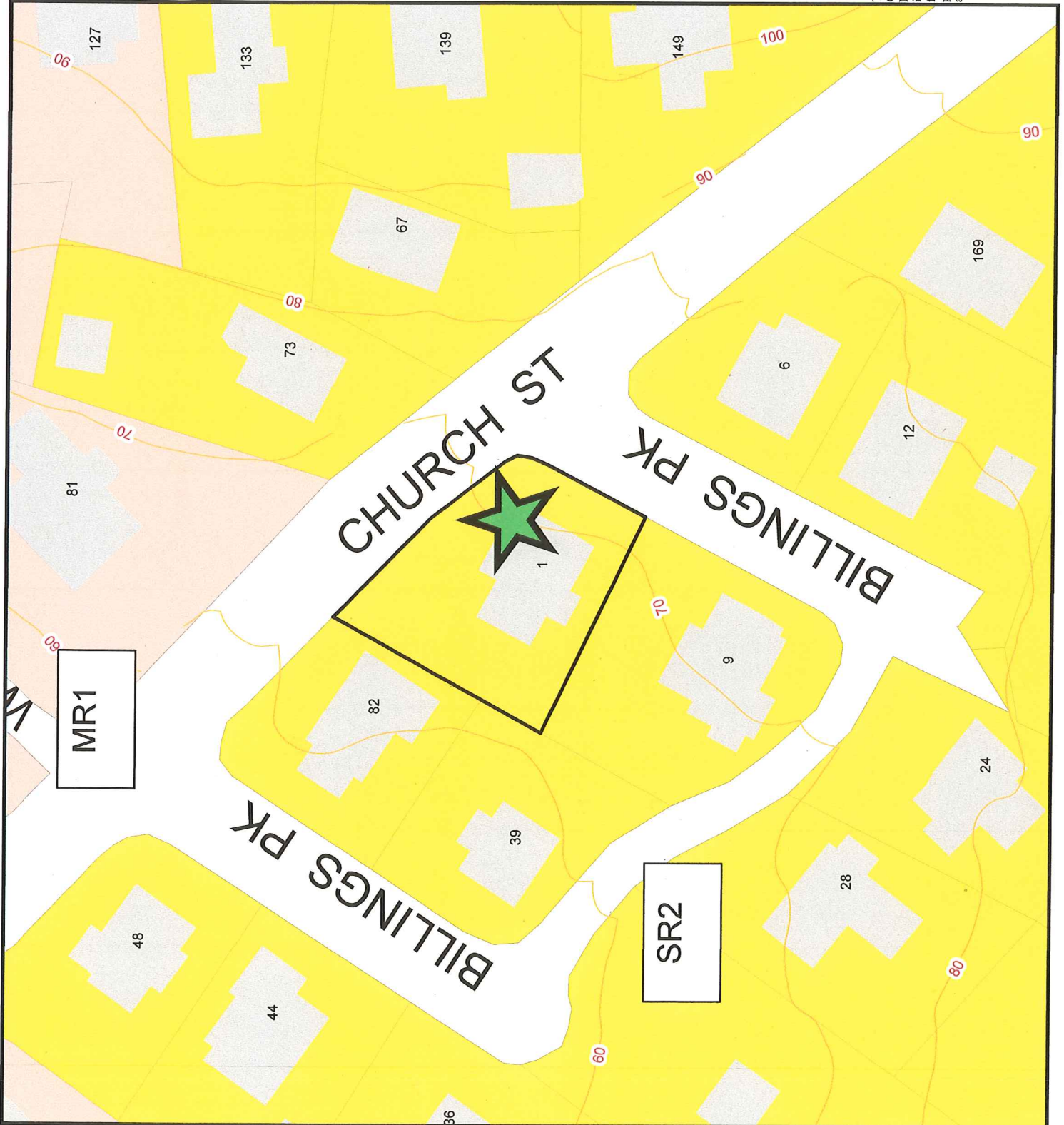


ATTACHMENT E

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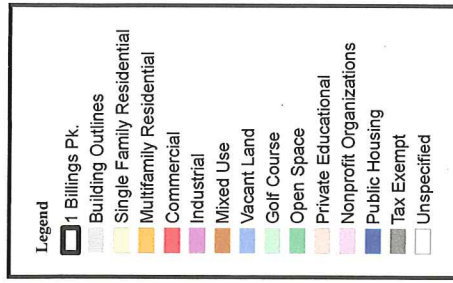


MAP DATE: January



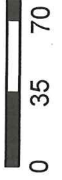
Land Use Map

1 Billings Pk.



ATTACHMENT F

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MAP DATE: January

